

Applicant: Archer et al.
Application Serial No.: 10/779,485
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REMARKS

The application has been amended. The specification and drawings have been amended. Claims 1, 8 and 11 have been amended. Claim 18 has been canceled. Reconsideration of the application is respectfully requested.

The specification and drawings have been amended to correct minor informalities in the application. It is respectfully submitted that as no new matter is occasioned by this amendment, entry is therefore deemed appropriate.

In the Office Action, the Examiner has indicated that the arguments previously presented have been considered and have been deemed to be persuasive. The Examiner has withdrawn the previous rejection. This determination is gratefully acknowledged. However, the Examiner has offered the following new grounds of rejection.

Claims 1-9 and 11-19 are rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,147,304 to Doherty in view of U.S. D462,664 to Roesch et al. (hereinafter "Roesch"). For the reasons set forth hereinbelow, this determination is respectfully traversed.

Independent claim 1 is directed to an electrical outlet box assembly including a generally rectangular outlet box and a supporting structure extending externally from one side wall of the

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Amendments to the Drawings:

The attached sheet of drawing includes changes to Figure 6. This sheet replaces the original sheet. In Figure 6, previous omitted element 16a has been added. Also, distance "d₁" has been changed to -- d₄--.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

outlet box. The electrical outlet box defines a first mounting axis between first and second side walls. The supporting structure defines a second mounting axis generally parallel to the first mounting axis. The first and second mounting axes are generally equidistant from and on opposite sides of a centerline of the first side wall with the first mounting axis being closer to the first side wall than the second side wall.

Referring to the Doherty reference, Doherty shows a pair of spaced apart electrical outlet boxes where one box is designed to support an electrical receptacle and the other box is designed to support a communications fixture. Each box of the Doherty reference completely bounds the fixture which it encloses and is spaced apart from the other box.

As it relates to claim 1 of the present invention, Doherty fails to show first and second mounting axes being equidistant from a centerline of one of the side walls. The Examiner acknowledges that this is a clear deficiency of the Doherty reference.

In attempting to fill the deficiency of Doherty, the Examiner cites to Roesch, specifically Figure 1. Roesch, which is a design patent, shows in Figure 1 a single rectangular box having a pair of spaced apart mounting axes supported within the box. One of the mounting axes is adjacent to one side wall while the other mounting axis is adjacent to the opposite side wall. Roesch fails to disclose anywhere that the first and second mounting axes are substantially

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equidistant from a centerline of any of the side walls. Roesch discloses a simple rectangular box having both mounting axes mounted internally of the box. There exists no single side wall which is equally spaced from both mounting axes let alone with the mounting axes on opposite side of the side wall.

Thus, as Doherty is admittedly deficient in failing to disclose a first and second mounting axis being substantially equidistant from a center line of a first side wall, Roesch is similarly deficient. Therefore, the combination of Doherty and Roesch fails to disclose, teach or suggest the structure set forth in claim 1.

Referring now to independent claim 11, a multigang outlet box for accommodating a plurality of fixtures and for supporting communication fixtures is recited. The box of claim 11 includes a first side wall spaced from a second wall for supporting the electrical fixtures therebetween. The box defines first and second mounting axes for supporting the electrical fixtures. A support structure extends externally from the first side wall for accommodating a communication fixture defining a third mounting axis parallel to the first and second mounting axes. The first and third mounting axes are generally equidistant from and on opposite sides of a centerline of the first side wall with the first mounting axis being closer to the first side wall, then the second mounting axis is to the second side wall.

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Turning now to the cited references, again the Examiner acknowledges that Doherty lacks a first and second mounting axes being substantially equidistant from the centerline of a first side wall with the first mounting axes being closer to the first side wall than the second side wall.

Again, the Examiner looks to Roesch to fill the deficiencies of Doherty. As mentioned above, Roesch is strictly limited to a box having two mounting axes supported between and interiorly of two side walls. At the very point in which the art is deficient, i.e., failing to provide first and second mounting axes being equidistant from a centerline of a first side wall, Roesch is similarly deficient. Roesch has no single side wall where both mounting axes are equidistant from the centerline of that side wall, let alone on opposite sides thereof.

Thus, for the reasons set forth above, the cited combination of Doherty and Roesch fails to disclose, teach or suggest the invention set forth in independent claim 11.

Referring now to independent claim 19. The Examiner again acknowledges that Doherty lacks a first and a second axis which is generally equidistant from a first side wall with the first axis being non-centrally located between the first and second side wall.

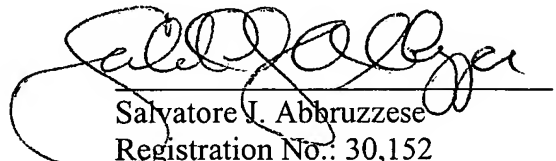
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Turning again to Roesch, the Examiner seeks to fill the deficiencies of Doherty. However, as noted above, Roesch discloses first and second axes situated between spaced apart side walls. Nowhere in the Roesch reference is there any showing of a first and second axes being generally equidistant from a first side wall. Since the Roesch axes are spaced apart and positioned between spaced apart side walls, both axes cannot be equidistant from either one of the side walls. Accordingly, as Roesch fails to fill the deficiencies of Doherty, it is respectfully submitted that claim 19 is patentably distinct thereover.

For the reasons set forth above, it is respectfully submitted that present application including claims 1-17 and 19 is in condition for allowance. Favorable action thereon is respectfully solicited.

Should the Examiner wish to discuss this application in further detail, the Examiner is invited to contact Applicant's undersigned attorney by telephone at (973) 331-1700.

Respectfully submitted,


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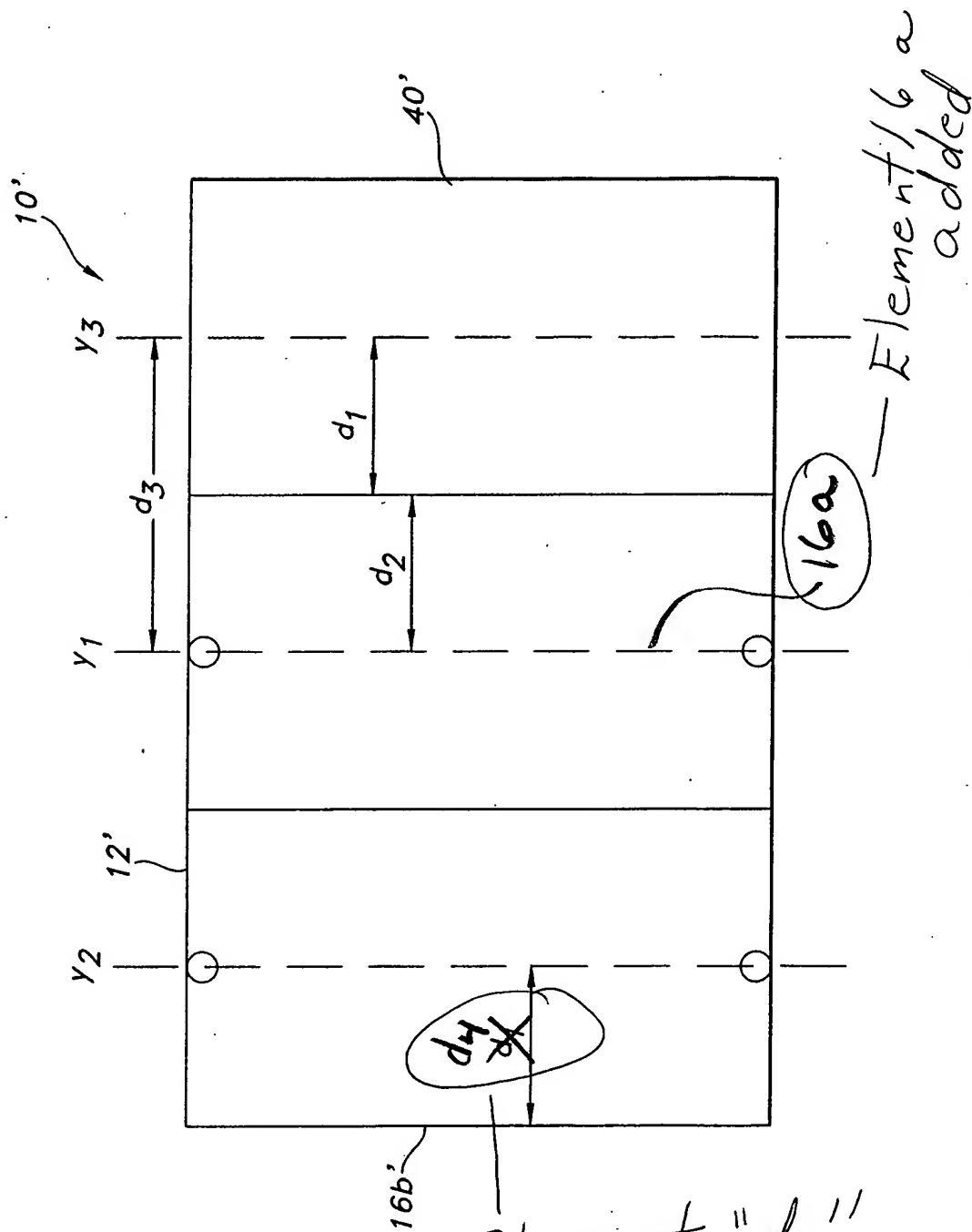


FIG. 6